

Message Text

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LIMITED OFFICIAL USE SINGAPORE 3207

E.O. 11652: N/A
TAGS: BGEN, SN
SUBJ: APPLICATION BY U.S. LAW FIRM TO OPEN SINGAPORE OFFICE

REF: LETTER FROM EASTON (EA/TIMBS) TO INGRAHAM
DATED JULY 5, 1978.

1. BEGIN UNCLASSIFIED. REFERENCE LETTER INFORMED US THAT AN AMERICAN LAW FIRM, BAKER & MCKENZIE, HAD BEEN REFUSED PERMISSION TO OPEN AN OFFICE IN SINGAPORE AND HAD RAISED THE MATTER WITH THE DEPARTMENT. THE FIRM'S APPLICATION, SUBMITTED BY ITS SYDNEY, AUSTRALIA, BRANCH IN FEBRUARY 1978, REQUESTED THE SINGAPORE ATTORNEY GENERAL'S PERMISSION TO ESTABLISH A LAW PRACTICE HERE PLUS WORK PERMITS FOR THE TWO FOREIGN LAWYERS (APPARENTLY AN AUSTRALIAN AND AN AMERICAN) WHO, WITH ONE SINGAPOREAN, WOULD INITIALLY STAFF THE OFFICE. THE ATTORNEY GENERAL'S OFFICE DENIED THE REQUEST IN JUNE, IN A LETTER WHICH GAVE NO REASON FOR THE DECISION. PRIOR TO RECEIPT OF EASTON'S JULY 5, LETTER, THE EMBASSY HAD BEEN UNAWARE OF BAKER & MCKENZIE'S APPLICATION.

2. THE SINGAPORE GOVERNMENT'S GENERAL ATTITUDE TOWARD THE PRACTICE OF LAW IN SINGAPORE BY FOREIGN ATTORNEYS IS A RESTRICTIVE ONE. ONLY ONE U.S. LAW FIRM,
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COUDERT BROTHERS, HAS OFFICES IN SINGAPORE. ITS ACTIVITIES ARE LIMITED TO OFFSHORE BUSINESS, REPORTEDLY INCLUDING LEGAL SERVICES TO BANKS ON LOAN SYNDICATIONS AND HANDLING U.S. TAX MATTERS FOR RESIDENT AMERICAN FIRMS AND INDIVIDUALS.

3. WE UNDERSTAND THAT APPLICATIONS TO ESTABLISH LAW

OFFICES IN SINGAPORE, IF THEY ARE TO HAVE ANY CHANCE OF ACCEPTANCE, MUST INCLUDE AN UNDERTAKING BY THE APPLICANT NOT TO ENGAGE IN DOMESTIC LAW PRACTICE IN SINGAPORE AND TO CONFINE HIS ACTIVITIES TO OFFSHORE BUSINESS. BAKER & MCKENZIE'S FEBRUARY 1978 APPLICATION STATED SPECIFICALLY THAT THE FIRM INTENDED TO ENGAGE IN DOMESTIC PRACTICE. END UNCLASSIFIED.

4. BEGIN LIMITED OFFICIAL USE. A SENIOR AMERICAN BUSINESSMAN RESIDENT IN SINGAPORE, WELL KNOWN TO THE EMBASSY, TELLS US HE IS QUITE CERTAIN THAT BAKER & MCKENZIE HAD AN OFFICE IN SINGAPORE UNTIL 1973 OR 1974. AT THAT TIME, HE RECALLS, THE SINGAPORE GOVERNMENT REFUSED TO RENEW THE WORK PERMITS FOR THE FIRM'S EXPATRIATE STAFF ON THE GROUNDS THAT THEY HAD NOT REFRAINED FROM ENGAGING IN DOMESTIC PRACTICE. BAKER & MCKENZIE'S FEBRUARY 1978 APPLICATION TO THE ATTORNEY GENERAL MAKES NO MENTION OF A PREVIOUS OFFICE IN SINGAPORE AND, IN FACT, IMPLIES STRONGLY THAT THIS IS THE FIRM'S FIRST REQUEST TO SET UP A SINGAPORE OFFICE. IF BAKER & MCKENZIE ACTUALLY DID HAVE A PREVIOUS OFFICE IN SINGAPORE--ESPECIALLY IF IT WERE CLOSED DOWN FOR THE REASON STATED--THE REASON FOR THE SINGAPORE GOVERNMENT'S REJECTION OF ITS CURRENT APPLICATION IS CLEAR. END LIMITED OFFICIAL USE.
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5. BEGIN UNCLASSIFIED. IF BAKER & MCKENZIE INTEND TO SEEK RECONSIDERATION OF ATTORNEY GENERAL'S REJECTION OF THEIR APPLICATION, WE RECOMMEND THAT THEY NOT RPT NOT ATTEMPT TO OBTAIN AN APPOINTMENT WITH THE PRIME MINISTER OR OTHER SENIOR OFFICIAL IN AN EFFORT TO HAVE THE ATTORNEY GENERAL REVERSED. CHANCES ARE SMALL THAT THE PRIME MINISTER WOULD BE ABLE TO SEE THEM, AND THEY ARE NOT GOING TO FIND A SENIOR OFFICIAL WILLING TO OVERRIDE THE ATTORNEY GENERAL. THE FIRM'S BEST PROSPECT PROBABLY WOULD BE TO RECAST ITS PLANS FOR SINGAPORE OFFICE AND PREPARE A NEW APPLICATION WHICH INCLUDES A SPECIFIC UNDERTAKING TO REFRAIN FROM ENGAGING IN DOMESTIC PRACTICE.
INGRAHAM

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